

PATENT APPLICATION

042390.P0744C2

Claims

There is no amendment to the claims associated with this response.

Remarks

Reexamination and reconsideration of this application is requested. Claims 21-41 remain in the application. No new claims have been added or canceled.

Response to the Double Patenting Rejection

The Office Action rejects claims 21-41 for nonstatutory double patenting in view of US patent 6,138,273. Without conceding the appropriateness of the rejection, Applicant is willing to file a terminal disclaimer as suggested by the Office Action in order to address this rejection upon indication by the Examiner that at least one claim would be otherwise allowable.

Response to the 35 U.S.C. §102(b)/103 Rejection

The Office Action also rejects claims 21-41 under 35 U.S.C. §102(b), or alternatively §103(a) as being anticipated by or made obvious, at least in part, by Kitadate (US 5,721,924).

Without conceding the appropriateness of the rejection or the appropriateness of the suggested combination of Kitadate with Aho, Applicant would like to respectfully point out Kitadate does not qualify as prior art under §102(b) or under §103(a).

This application is a continuation of Application Serial number 07/663,594, filed March 1, 1991, as indicated in the response filed on March 27, 2000. In contrast, Kitadate was the result of a continuation application that was originally

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filed on November 10, 1993. Accordingly, Applicant respectfully points out that Kidate does not qualify as reference under § 102(b) or § 103(a) as it does not predicate the priority date of the present application. Accordingly, Applicant respectfully traverses the rejection of claims 21-41 for at least this reason.

Additional arguments to distinguish the cited patent from Applicant's claims could have been made, but it is believed that the foregoing discussion is sufficient to overcome the Examiner's rejection.

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Conclusion

The foregoing is submitted as a full and complete response to the Office Action mailed June 29, 2004, and it is submitted that claims 21-41 are in condition for allowance. Reconsideration of the rejection is requested.

Should it be determined that an additional fee is due under 37 CFR §§1.6 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #50-0221.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 715-5732 is respectfully solicited.

Respectfully submitted,

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